

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 14371 of 2002

Between:

Battu Naryana Reddy, S/o. Linga Reddy

Arekayalapudu Village, Enkoor Mandal, Khammam District.

..... PETITIONER

AND

1. The Joint Collector, Khammam, Khammam District.
2. The Mandal Revenue Officer, Enkoor Mandal, Khammam District.
3. Duriseti Kotaiah, S/o. ammaiah, R/o. Arekayalapadu Village, Enkoor Mandal, Khammam District.
4. Gajendra Bhadraiah S/o. Butchi Kotaiah, Arekayalapadu Village, Enkoor Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction, particularly in the nature of Mandamus or any other appropriate writ declaring the action of the 2nd respondent in contemplating to survey and demarcated the lands in Sy.No.115 of Arekayalapadu Village, Enkoor Mandal, Khammam District, particularly an extent of Acre 3.00, owned and possessed by the petitioner, with a view to hand it over to the 3rd and 4th respondents as illegal, void, arbitrary and malicious.

Counsel for the Petitioner: MR.V.R.AVULA

Counsel for Respondents 1 & 2.: GP FOR REVENUE

Counsel for Respondent No.3: Mr. M. Rajamalla Reddy.

The Court made the following :

ORDER:

The petitioner claims that he purchased the land admeasuring Acs.3.00 in S.No.116 and another extent of Acs.0.32 in S.No.115 situated at Arekayalapadu Village on 20.5.1964 under an agreement of sale. Aggrieved by the notice, dated 18.7.2002

issued by the second respondent herein requesting the petitioner and six others to attend survey for demarcation of the land in S.No.115, the petitioner filed the present writ petition. The only grievance made by the petitioner is that the second respondent has initiated survey for demarcation of the land at the behest of respondents 3 and 4 who have lost the suit being O.S.No.346 of 1995 on the file of the Court of the Principal Junior Civil Judge, Kothagudem, by reason of a judgment and decree dated 12.11.1998.

The third respondent in the counter affidavit alleges that he purchased the land in S.No.115 admeasuring Acs.3.00 in 1964 under an agreement of sale. He also asserts that he is in possession of the land and by mere survey for demarcation of the land no prejudice would be caused to the petitioner.

Though the interlocutory applications are listed, the writ petition is being disposed of, as short question is involved in this case.

A perusal of the impugned notice would show that the petitioner could not have any redressable grievance especially in the proceedings under Article 226 of the Constitution of India. What is intended by the second respondent is survey of the land in Sy.No.115, so as to submit a report to the Station House Officer, Enkoor. To avoid any further complications the second respondent issued notice to the petitioner and other farmers who are allegedly concerned with the land in Sy.No.115. If the petitioner has any grievance, he has remedies before respondents 1 and 2 themselves and the writ petition is not a proper remedy. Further the land allegedly in possession of the petitioner as well as respondents 3 and 4 is situated in scheduled area and the petitioner as well as respondents 3 and 4 are not tribals. Therefore, this is a case where the Mandal Revenue Officer should initiate action under the provisions of A.P. Scheduled Areas Land Transfer Regulations, 1959 as amended by Regulation 1 of 1970. If the petitioner has any apprehension that the land in his possession would be handed over to respondents 3 and 4, he may approach the second respondent with appropriate application but, no relief can be granted in this writ petition.

The Writ Petition, with the above observations, is dismissed. No costs.

V.V.S. Rao, J.

25th October, 2004.

Js.

ASSISTANT REGISTRAR

To

1. The Joint Collector, Khammam, Khammam District.
2. The Mandal Revenue Officer, Enkoor Mandal, Khammam District.

3. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.
4. 2 CD copies.